IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

NOTICE OF MOTION No. 4330 OF 2007
IN
SUIT No.1336 of 1989

Smt. Kokila Hasmukhlal Vora & Ors. ..Plaintiffs.

Vs.

Sevantilal Mohanlal Vora & Ors ..Defendants.

Mr N. K. Mudnaney, Advocate for the Plaintiff.

Mr M. A. Shah i/b A. G. Shah, Advocate for the Defendant No.1.

CORAM: V.C. DAGA,J.
DATED: 4.12.2007.

P.C.:-

1. The defendant no.1 has taken out this Notice of Motion to take the written statement on record. It is no doubt true, that the written statement is being filed after expiry of 18 years. However, it is needless to mention that during this period even this Court could not take up the suit on board. Suit was taken on board after 1993, for the first time, some-where in the month of November, 2007. Under these circumstances, the defendant cannot be blamed for delay in filing W.S. There is no counter to oppose the Notice of Motion, though Mr Mudnany orally urged that no sufficient cause is made out for

not filing W.S.

2. It is needless to mention that even though the suit was not on board, it was obligatory on the part of the defendant to file written statement. However, in the interest of justice, Notice of Motion is made absolute in terms of prayer clause (a), subject to payment of costs of Rs.5,000/- to be deposited with Legal Services Authority of this Court within two weeks from today. Needless to mention that failure on the part of the defendant to deposit costs, Notice of Motion shall be deemed to have been rejected.

3. Notice of Motion stands disposed of.

(V.C. DAGA,J)